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Attorney for Defendant
DANIEL SANTIAGO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	CR-12-0665 RS
)	
Plaintiff,)	STIPULATION AND [PROPOSED] ORDER
)	MODIFYING BRIEFING SCHEDULE RE
vs.)	<i>DAUBERT</i> MOTION AND EXCLUDING
)	TIME UNDER 18 U.S.C. §§3161(h)(7)(A)
DANIEL SANTIAGO,)	AND (h)(7)(B)(iv) OF THE SPEEDY TRIAL
)	<u>ACT</u>
Defendant.)	
)	
)	

The United States of America, by its attorneys, Melinda Haag, United States Attorney for the Northern District of California, and Special Assistant United States Attorney ("AUSA") Marc Price Wolf, and defendant DANIEL SANTIAGO, by his attorney, Peter Goodman, hereby submit this Stipulation and [Proposed] Order requesting that the briefing schedule relative to the defense *Daubert* motion that was set on September 20, 2013, be modified to extend the filing dates and the hearing by two weeks. The current schedule provides that the defense will file its opening brief on October 18, 2013; the government will file its opposition on November 16, 2013; the defense will file its reply on November 22, 2013; a hearing on the motion is scheduled on December 3, 2013, at 2:00 p.m. Defense counsel has learned by Bicka Barlow, who has been designated as associate counsel in this matter and will be arguing the *Daubert* motion, will be out of

1 the country on December 3, 2013. The defense has also determined that the DNA
2 testing performed by the Serological Research Institute ("SERI"), the admissibility of
3 which is the subject of the *Daubert* motion, involved "validation studies" and other
4 documentation which the defense needs to prepare the motion. The defense has
5 requested those materials and anticipates that they will be made available by SERI
6 in the next two weeks. The defense will be providing copies of those materials to
7 the government upon their receipt from SERI.

8 Given the unavailability of Ms. Barlow on the day the motion is scheduled to
9 be heard and the defense need for additional discovery materials related to the DNA
10 testing performed by SERI, the parties are requesting that the present briefing schedule
11 be modified to provide that the defense will file its *Daubert* motion on October 28, 2013;
12 the government will file its opposition on November 25, 2013; the defense will file its reply
13 on December 6, 2013; and the hearing on the motion will be held on December 17, 2013,
14 at 2:00 p.m.

15 The defendant is out of custody on location monitoring. Given his release from
16 custody, the defendant is agreeable to a further exclusion of time pursuant to 18 U.S.C.
17 §§3161(h)(7)(A) and (h)(7)(B)(iv) of the Speedy Trial Act from the date of this Stipulation
18 until the date all pretrial motions in his case are decided.

19 SO STIPULATED

20 DATED: October 17, 2013

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22 MELINDA HAAG
23 United States Attorney

24 By: /s/
25 MARC WOLF
Assistant United States Attorney

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1 SO STIPULATED

2 DATED: October 17, 2013

3
4 /s/

5 PETER GOODMAN
6 Attorney for Defendant
DANIEL SANTIAGO

7
8 ORDER MODIFYING BRIEFING SCHEDULE ON *DAUBERT*
9 MOTION AND EXCLUDING TIME PURSUANT TO 18 U.S.C.
10 §§3161(h)(7)(A) and (h)(7)(B)(iv) OF THE SPEEDY TRIAL ACT

11 Based on the stipulation of the parties and good cause appearing, IT IS HEREBY
12 ORDERED that the briefing schedule on the defense *Daubert* motion and the hearing
13 date on said motion previously set on September 20, 2013, be modified to provide that:
14 1) the defense will file its opening brief on October 28, 2013; 2) the government will file
15 its opposition on November 25, 2013; 3) the defense will file its reply on December 6,
16 2013; and 4) the hearing on the motion will be held on December 17, 2013, at 2:00 p.m.

17 Based on the stipulation of the parties and good cause appearing, the Court
18 finds that time should properly be excluded pursuant to 18 U.S.C. §§3161(h)(7)(A) and
19 (B)(iv) of the Speedy Trial Act from the date of this Order until all pretrial motions in this
20 case are decided in the interests of justice and to ensure effective assistance of counsel.

21 DATED: 10/18/13

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24 RICHARD SEEBORG
25 UNITED STATES DISTRICT COURT JUDGE
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